REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. This amendment is believed to be fully responsive to all issues raised in the Office Action mailed

5   December 16, 2004.

Claim Objections

Applicants traverse the objection of claims 1 and 7. The Examiner's claim objections appear to be directed to the substantive language of the

10   claims, rather than to form. Accordingly, the objection is improper. See MPEP 706.01.

Applicants note that the acronyms NSC and FCAL are set forth on page 19 of the specification. Accordingly, a rejection under 35 U.S.C. §112 is unwarranted.

15

Claim Rejections
Rejections Under 35 U.S.C. §102

Claims 1-6 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,085,333 to DeKoening, et al. (hereinafter,

20   "the '333 patent"). Applicants traverse this rejection.

Independent claim 1 recites limitations neither disclosed nor suggested by the '333 patent. By way of example, and not limitation, independent claim 1 recites a limitation directed to:

wherein the primary memory in the first NSC and the
25   mirror memory in the second NSC are allocated in
corresponding blocks.

The Action cites column 8, lines 7-9 to support the rejection. The cited

text reads as follows:

The secondary cache area in cache 116.1 116.2 is
30   assigned the same corresponding memory addresses as in the
primary cache area.

The cited text of the '333 patent pertains only to memory address assignment; it is utterly silent regarding the *allocation* of memory blocks. Therefore, the '333 patent cannot anticipate independent claim 1.

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Applicant notes that original claims 2-6 and new claims 12-16 depend from independent claim 1, and are allowable by virtue of their dependency, and for the limitations recited therein.

Claims 7-10 were rejected under 35 U.S.C. §102(e) as being
5   anticipated by U.S. Patent No. 6,681,339 to McKean, et al. (hereinafter, "the '339 patent").

Independent claim 7 recites limitations neither disclosed nor suggested by the '339 patent. By way of example, and not limitation, independent claim 1 recites a limitation directed to:

10   transmitting the data to a corresponding block of cache memory in a mirror NSC.

The Action cites column 4, lines 34-38 to support the rejection. The cited text reads as follows:

15   Next, the primary controller 116 mirrors the data to controller B (alternate controller) 118, such that the alternate controller 118 copies the data into an alternate controller cache memory 122, thereby providing a backup copy of the primary controller 116 data in case of a controller failure.

The cited text of the '339 patent pertains only data mirroring; it is
20   utterly silent regarding the transmitting data to a *corresponding* block of cache data in a mirror NSC. Therefore, the '339 patent cannot anticipate independent claim 7.

Applicant notes that original claims 8-11 and new claims 17-18 depend from independent claim 7, and are allowable by virtue of their
25   dependency, and for the limitations recited therein.

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Rejections Under 35 U.S.C. §103

Claim 11 was rejected under 35 U.S.C. §103(a) as being obvious over the '339 patent in view of U.S. Patent No.6,385,706 to Ofek et al. (hereinafter, "the '706 patent"). Applicants traverse this rejection.

5   As noted above, independent claim 7 recites limitations neither disclosed nor suggested by the '339 patent. The Action asserts that the '706 patent discloses transmitting context information with the data, as recited in claim 11. Applicants disagree. Action cites column 23, lines 12-35 to support the rejection. The cited text reads as follows: ·

10   In the event that the metadata is being stored as shown at table 134 of FIG. 13, then the metadata may be updated after the applicable backup segment has been copied into the medium holding the abstract block set. For this form of metadata (but not the form shown at 133 of FIG. 13). This may
15   not occur until the applicable backup segment is copied to the medium storing the abstract block set because, until that time, the order of appearance for the applicable physical backup segment is not known.

The cited text of the '706 fails even to suggest transferring context
20   information. Therefore, the '339 patent, alone or in combination with the '706 patent, cannot render obvious claim 11.

Request Pursuant to 37 CFR 1.105

A query for prior art references has been made to the attorneys of
25   record, inventors, and assignee and no prior art has been found.

CONCLUSION

Claims 1-18 are in believed to be in condition for allowance.
Applicant respectfully requests reconsideration and prompt issuance of the
present application. Should any issue remain that prevents immediate

5   issuance of the application, the Examiner is encouraged to contact the
undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,
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